



JOHN L. ATWOOD, President

RHODE ISLAND TRUCKING ASSOCIATION, INC.

A COOPERATIVE ORGANIZATION FOR THE PROMOTION AND PROTECTION OF HIGHWAY TRANSPORTATION

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April 19, 2004

**Mr. Joseph Solomey
Assistant Chief Counsel
Hazardous Material Safety Law Division
Research and Special Programs Administration
400 Seventh Street SW
Washington, DC 20590**

Dear Mr. Solomey;


I am writing you regarding 2 pieces of pending legislation in Rhode Island, regarding the transportation of certain bulk chemicals in the state. I have enclosed the 2 bills for your review. If at all possible I would like to get the Division's opinion, or advice, regarding this legislation, based on the following points, or any other issues you feel are important:

- 1) Would you think this legislation could be an impediment to Interstate Commerce ?**
- 2) I believe that the notification requirements in this legislation are would be preempted. IR - 6:#IR-32. ?**
- 3) I believe that the State of RI can impose stricter training requirements than the HMR, but they can only apply to domiciled drivers in the State ?**

I would appreciate any guidance the Division could give me regarding this legislation. As the State Trucking Association, we are certainly opposed to these bills.

I would like to thank you in advance for your consideration, and advise regarding this important issue in Rhode Island.

**Sincerely,
John L Atwood, President**



Rhode Island Trucking Association Inc.



EXCLUSIVE R.I. AFFILIATE

LC01427/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Representative Gregory J. Schadone

Date Introduced: February 12, 2004

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-10.3 of the General Laws entitled "Rhode Island Uniform
2 Commercial Driver's License Act" is hereby amended by adding thereto the following section:

3 **31-10.3-30.1. Transportation of certain bulk chemicals.** – (a) This section shall apply
4 to any person, firm, corporation or other entity which both transports and delivers within the state
5 of Rhode Island the following chemicals in portable tanks or tank trailers having a rated capacity
6 of three hundred one (301) gallons or more: (1) caustic soda, (2) sodium hydroxide, (3) muriatic
7 acid, (4) hydrogen peroxide, (5) aqua ammonia, (6) sodium hypochloride, (7) anhydrous
8 ammonia, (8) phosphoric acid, (9) sodium bisulfate, (10) caustic potash and (11) sulfuric acid.

9 (b) All bulk deliveries of chemicals listed in subsection (a) and delivered within the state
10 of Rhode Island shall meet the following requirements:

11 (1) the driver which transports the bulk chemicals shall have not less than two (2) years
12 experience in transporting said chemicals in bulk or has not less than one (1) year's experience in
13 transporting said chemicals and has successfully completed and has been issued an OSHA
14 Hazardous Material forty (40) hour Certificate).

15 (2) At least twenty-four (24) hours notice shall be provided to the fire department in the
16 city or town in which said chemical(s) are to be delivered.

17 (3) The driver shall carry upon their person written proof they have the necessary
18 experience as required by subsection (b)(1).

19 (4) An authorized person at the facility to which the covered chemicals are delivered shall

1 execute written confirmation of his or her acceptance of their delivery.

2 (c)(1) Any driver which violates the provisions of this section shall be fined no more than
3 five thousand dollars (\$5,000).

4 (2) Any person, firm, corporation or entity which is the owner or lessee of the vehicle
5 involved in the transport of chemicals which violates the provisions of this section shall be fined
6 not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000).

7 (3) Any person, firm, corporation or entity which supplies chemicals covered by this
8 section and hires a transportation person, firm, or corporation or entity which violates the
9 provisions of this section shall be fined not less than one thousand dollars (\$1,000) nor more than
10 ten thousand dollars (\$10,000).

11 SECTION 2. This act shall take effect upon passage.

LC01427/SUB A

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY

- 1 This act would establish safety requirements for companies that transport certain bulk
- 2 chemicals particularly concerning the minimum mandatory experience for their drivers.
- 3 This act would take effect upon passage.

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LC01427/SUB A

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LC02629/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Senators Ruggerio, DaPonte, Ciccone, Lanzi, and Goodwin

Date Introduced: February 11, 2004

Referred To: Senate Commerce, Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-10.3 of the General Laws entitled "Rhode Island Uniform
2 Commercial Driver's License Act" is hereby amended by adding thereto the following section:

3 **31-10.3-30.1. Transportation of certain bulk chemicals.** – (a) This section shall apply
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12 experience in transporting said chemicals in bulk or has not less than one (1) year's experience in
13 transporting said chemicals and has successfully completed and has been issued an OSHA
14 Hazardous Material forty (40N hour Certificate).

15 (2) At least twenty-four (24) hours notice shall be provided to the fire department in the
16 city or town in which said chemical(s) are to be delivered.

17 (3) The driver shall carry upon their person written proof they have the necessary
18 experience as required by subsection (b)(1).

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